

## Legislation Details (With Text)

---

<b>File #:</b>	21-64	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	1/12/2021	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	2/2/2021	<b>Final action:</b>	
<b>Title:</b>	PZ20-0330 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District.		

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Land Use Maps (Zoning, Existing and Future Land Use), 3. Zoning Exhibit, 4. Notification List and Map

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Presenter/Contact

*Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Smithco Development (Matt Strange)*  
(830) 358-7127 - [plats@hmtnb.com](mailto:plats@hmtnb.com) <<mailto:plats@hmtnb.com>>

**SUBJECT:**

PZ20-0330 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District.

**BACKGROUND / RATIONALE:****Case No.:** PZ20-0330**Council District:** 5

**Applicant:** Moeller & Associates (James Ingalls, P.E.)  
2021 SH 46 W, Ste 105  
New Braunfels, TX 78132  
(830) 358-7127 - [plats@ma-tx.com](mailto:plats@ma-tx.com)

**Owner:** Smithco Development (Matt Strange)  
1400 Post Oak, Ste 900  
Houston, TX 77056  
(713) 622-4040 - [matt@smithcodevelopment.com](mailto:matt@smithcodevelopment.com)

**Staff Contact:** Matt Greene, Planner

(830) 221-4053 - mgreene@nbtexas.org

The subject property is comprised of approximately 14.608 acres out of a larger 18.88-acre parcel located on the northwest corner of the intersection of IH 35 and FM 306 and is currently zoned "M-1" Light Industrial District. It is presently undeveloped and the remaining 4.272 acres of the parent tract fronting IH 35 is zoned "C-3" Commercial District.

The applicant indicates the intended uses of the property are retail and multifamily. Retail use is permitted under the current M-1 designation but multifamily is not, therefore, the applicant is requesting the zoning change to a mixed use district that allows both uses.

***Surrounding Zoning and Land Use:***

North - M-1 / Hotel and light manufacturing

South - M1A, Across IH 35, M-1Ar69 / Manufacture home sales lot and auto transmission repair shop, across IH 35, Convenience store with fuel sales (Buc-ee's)

East - C-3 & M-1, Across FM 306, C-3 & M-1 / Convenience store with fuel sales, Across M 306, grocery store (HEB) and shopping center and fast food restaurant

West - C-3, M-1, M-1A & "Post Road Development" PD / Auto transmission repair shop, undeveloped lot approved for multifamily use through a PD, and an undeveloped parcel

***Determination Factors:***

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*MU-B is intended to provide for a mixture of more intense retail, office, and industrial uses to enable people to live, work and shop in close proximity. The permitted uses of the MU-B District are consistent with the existing zoning and land uses in the vicinity of the subject property that are adjacent to IH 35 and nearby in the New Braunfels Town Center at Creekside development and the approved Solms Landing Planned Development*).
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The impact on existing streets will be reviewed through the platting process. The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning*).
- How other areas designated for similar development will be affected (*The proposed zoning change should not negatively affect other areas designated for similar development*).
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting process*).
- Whether the request is consistent with the Comprehensive Plan: See below

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Consistent Actions</b> <b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.8:</b> Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as Interstate Highway 35. <b>Future Land Use Plan:</b> The property lies within the Oak Creek Sub Area on a Transitional Mixed-Use Corridor near existing and future Employment, Market, Medical, Outdoor Recreation, Education and Tourist/Entertainment Centers.
---	---

**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Approval. MU-B allows uses consistent with the existing light industrial, commercial and residential development and zoning in the area, while offering the opportunity for mixed-use development as encouraged in Envision New Braunfels. Mixed uses at this location would provide an appropriate intensity transition outward from the major node.

*Notification:*

Public hearing notices were sent to 11 owners of property within 200 feet of the request. The City has received no responses at this time.

**RESOURCE LINKS:**

- Chapter 144, Sec. 3.3-11 “M-1” Light Industrial District, of the City’s Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Secs. 3.4-11 “MU-B” High Intensity Mixed Use District, of the City’s Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

**ATTACHMENTS:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Zoning Exhibit
4. Notification List and Map